

MR929-937

Serial Number: 10/721,858

Reply to Office Action dated 16 August 2004

**REMARKS/ARGUMENT**

This case has been carefully reviewed and analyzed in view of the Official Action dated 16 August 2004. Responsive to the objections and rejections made in the Official Action, Claim 1 has been amended to correct the language thereof and the combination of elements that form the invention of the subject Patent Application. Claim 5 has been amended to change the dependency thereof and Claims 2 and 4 have been cancelled by this Amendment.

In the Official Action, the Examiner objected to Claim 1 because there was insufficient antecedent basis for the limitation of "the folded points". Accordingly, Claim 1 has been amended to provide proper antecedent basis for all of the limitations therein.

In the Official Action, the Examiner rejected Claims 1 – 5 under 35 U.S.C. § 103, as being unpatentable over Hettinga, U.S. Patent No. 5,788,332 in view of Hernandez et al., U.S. Patent No. 5,683,811. The Examiner stated that the Hettinga reference disclosed an elastic cushion that comprised a cover having a cavity inside and an elastic body received inside the cover. The Examiner further stated that the elastic body included a top surface, a rear surface, an inner portion, and a multiple elastic tubes folded together, wherein the elastic tubes are melted at folded points. The Examiner admits that the Hettinga reference fails to disclose the tubes having a hollow center. However, the Examiner refers to the Hernandez reference as disclosing an elastic fiber for a cushion having a hollow center. The

MR929-937  
Serial Number: 10/721,858  
Reply to Office Action dated 16 August 2004

Examiner then concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention to employ an elastic fiber as taught by Hernandez et al. with the cushion of Hettinga.

Before discussing the references relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to an elastic cushion that includes a cover having a cavity formed therein. The elastic cushion also includes an elastic body formed of multiple elastic tubes received in the cavity of the cover and having a top surface portion, a rear surface portion, and an inner portion. The multiple elastic tubes are randomly folded together to form folded points. Each elastic tube has a hollow center. The folded elastic tubes are formed as many random weld portions and gaps, the hollow centers of the welded elastic tubes being in open communication with each other. The elastic tubes of the top surface portion and rear surface portion of the elastic body are formed to have a first density. The elastic tubes of the inner portion of the elastic body are formed to have a second density, where the first density is higher than the second density.

In contradistinction, the Hettinga reference is directed to a seat unit comprising a base structure and at least one cushion layer comprised of a mesh of plastic filament between the base structure and the cover. In embodiments where there are more than one cushion layer, each individual cushion layer is comprised

MR929-937

Serial Number: 10/721,858

Reply to Office Action dated 16 August 2004

of a mesh of strands of plastic filament having the same diameter, the diameter of the plastic filament corresponding to the layer's density. Multiple cushion layers are "stacked" with the highest density cushion layer being located in the lower most position, on top of the base structure, and the lowest density cushion layer being located on the top.

Whereas in the invention of the subject Patent Application, both the elastic tubes of the top surface portion and the rear surface portion of the elastic body are formed to have a first density, and the elastic tubes of the inner portion of the elastic body are formed to have a second density, the first density being higher than the second density, to provide a better supporting cushion. In the invention of the subject Patent Application, the elastic tubes have a multiplicity of randomly welded portions 20 to provide the spring-like structure of the cushion. The Examiner's contention that Hettinga discloses such a structure is not correct. The reference discloses the formation of plastic filaments by a hot melt or extrusion process, column 3, line 64 through column 4, line 2, which is not equivalent to the welding of a plurality of tubes together to form a cushion body. Nowhere in Hettinga is there disclosed the folding of the elastic tubes to form folded points and randomly welding a plurality of tubes together at folded points, as claimed. Further, the reference neither discloses nor suggests an arrangement wherein the elastic tubes are welded together such that their hollow centers are in open communication with each other, which provides for easier displacement of air

MR929-937

Serial Number: 10/721,858

Reply to Office Action dated 16 August 2004

from one portion of the cushion to another when a portion of the cushion is displaced.

The Hernandez et al. reference does not overcome the deficiencies of Hettinga. The Hernandez et al. reference discloses polyester fibers for use as a filling in pillows wherein the elastic tubes have a structure which includes a hollow center. However, nowhere does the reference disclose or suggest multiple tubes being randomly folded to form folded points, and the folded elastic tubes being formed as many random weld portions. Still further, the reference fails to disclose or suggest the hollow centers of the welded elastic tubes being in open communication with each other, as claimed.

Thus, the combination of Hettinga and Hernandez et al. cannot make obvious the invention of the subject Patent Application, as now claimed. Therefore, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
FOR: ROSENBERG, KLEIN & LEE



David I. Klein  
Registration #33,253

Dated: 16 Nov. 2004

Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
(410) 465-6678

MR929-937

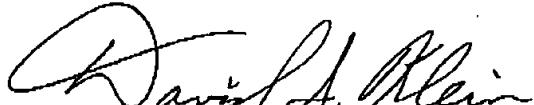
Serial Number: 10/721,858

Reply to Office Action dated 16 August 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit # 3673 facsimile number 703-872-9306 on the date shown below.

FOR: ROSENBERG, KLEIN &amp; LEE

  
DAVID I. KLEIN16 Nov 2004  
Date

Page 10 of 10